

# EXHIBIT AA

Page 1

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

CHARLENE CARTER )  
VS. ) CIVIL ACTION NO.  
 ) 3:17-CV-02278-X  
 )  
SOUTHWEST AIRLINES CO., AND )  
TRANSPORT WORKERS UNION OF )  
AMERICA, LOCAL 556 )

-----  
CONFIDENTIAL 30(b)(6)  
VIDEOTAPED DEPOSITION OF  
MICHAEL SIMS  
NOVEMBER 2, 2020  
-----

ANSWERS AND DEPOSITION OF MICHAEL SIMS,  
produced as a witness at the instance of the  
Plaintiff, taken in the above-styled and -numbered  
cause on NOVEMBER 2, 2020, at 9:06 a.m., before  
CHARIS M. HENDRICK, a Certified Shorthand Reporter  
in and for the State of Texas, witness located in  
Midlothian, Texas, County of Ellis, pursuant to the  
Federal Rules of Civil Procedure, the current  
emergency order regarding the COVID-19 State of  
Disaster, and the provisions stated on the record  
or attached hereto.

Page 2

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18 ALSO PRESENT: MR. MACK SPURLOCK -  
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19 MS. CHARLENE CARTER  
20 MS. LAUREN ARMSTRONG  
21 MR. CHRIS MABERRY

Page 3

1

## INDEX

2 Appearances ..... 2

3 MICHAEL SIMS

4 Examination by Mr. Gilliam..... 6

5 Examination by Mr. Correll..... 230

6

7 Signature and Changes..... 235

8 Reporter's Certificate..... 237

9

## 10 EXHIBITS

11 Exhibit 1 - ..... 70  
Southwest Airlines Policies, Document 1112 Exhibit 2 - ..... 72  
Termination Letter, Document 714 Exhibit 3 - ..... 126  
Email to Suzanne Stephensen from Audrey Stone,  
15 Document 116 Exhibit 4 - ..... 135  
Email to Suzanne Stephensen from Dave Kissman,  
17 Document 218 Exhibit 5 - ..... 157  
Email to Denise Gutierrez from Ed Schneider,  
19 Document 520 Exhibit 6 - ..... 160  
Email to Maureen Emlet from Ed Schneider,  
21 Document 922 Exhibit 7 - ..... 167  
Email to Maureen Emlet from Ed Schneider,  
23 Document 6

24

25

Page 4

1 EXHIBITS

|   |     |
|---|-----|
| 2 Exhibit 8 - .....                                   | 191 |
| 3 Email to Listening Center from Listening Center,    |     |
| Document 4  |     |
| 4 Exhibit 9 - .....                                   | 206 |
| 5 Email to Tammy Shaffer from Mike Sims, Document 13  |     |
| 6 Exhibit 10 - .....                                  | 217 |
| 7 Email to Naomi Hudson from Kevin Allen, Document 15 |     |
| 8 Exhibit 11 - .....                                  | 223 |
| 9 Email to Dave Kissman from Carolene Goulbourne,     |     |
| Document 3  |     |
| 10 Exhibit 12 - .....                                 | 224 |
| 11 Email to Joe Mendez from Sonya Lacore, Document 14 |     |
| 12 Exhibit 13 - .....                                 | 224 |
| 13 Email to Inflight Labor Relations from Tammy       |     |
| Shaffer, Document 12                                  |     |
| 14 Document - .....                                   | 204 |
| 15 80-Carter Fourth Amended Complaint                 |     |
| 16 Document - .....                                   | 204 |
| 17 81-SWA Answer to Carter Fourth Amended Complaint   |     |
| 18 Document - .....                                   | 95  |
| 19 SWA Response to Plaintiff's Roggs                  |     |
| 20  |     |
| 21  |     |
| 22  |     |
| 23  |     |
| 24  |     |
| 25  |     |

Page 5

1 PROCEEDINGS

2 THE VIDEOGRAPHER: We are now --  
3 sorry. We are now on record. Today's date is  
4 November 2nd, 2020. The time is 9:06 a.m. Central  
5 time. Will counsel please -- will the court  
6 reporter please swear in the witness?

12                          My name is Charis Hendrick, Court  
13 Reporter, CSR No. 3469. I am administering the  
14 oath and reporting the deposition remotely by  
15 stenographic means from my home in Ellis County,  
16 Texas. The witness has been identified to me  
17 through counsel.

18                   Would counsel please state their  
19   appearances and locations for the record? And the  
20   city is fine.

21 MR. GILLIAM: This is Matthew Gilliam  
22 for plaintiff Charlene Carter. I'm in Springfield,  
23 Virginia.

24 MR. CORRELL: Michael Correll for  
25 defendant Southwest Airlines in Dallas, Texas.

Page 6

1                   MR. GREENFIELD: Adam Greenfield for  
2 defendant TWU Local 556 in Dallas, Texas.

3                   MICHAEL SIMS,  
4 having been first duly sworn, testified as follows:

5                   EXAMINATION

6 BY MR. GILLIAM:

7                   Q. Good morning, Mr. Sims. Did you already  
8 do the oath? I am sorry. Okay. Good morning,  
9 Mr. Sims. My name is Matt Gilliam and I am the  
10 attorney representing plaintiff Charlene Carter in  
11 this case. I am here today to ask you some  
12 questions about Carter v TWU Local 556 and  
13 Southwest Airlines Company. This is a Rule  
14 30(b)(6) deposition of defendant Southwest  
15 Airlines; that's your understanding as well?

16                  A. That is correct.

17                  Q. Okay. And you are the designated  
18 representative of defendant Southwest Airlines  
19 Company?

20                  A. That is correct.

21                  Q. Okay. And because this is a 30(b)(6)  
22 deposition, you understand that you are speaking on  
23 behalf of the company, Southwest Airlines, and not  
24 on your personal behalf?

25                  A. I do.

Page 27

1 topic amongst many of our flight attendants at the  
2 time because, in terms of union parlance, it was a  
3 big event.

4 Q. Do you remember when it first became a  
5 topic?

6 A. To my knowledge, it became a topic shortly  
7 after the -- the collective bargaining agreement  
8 was signed, which would -- I want to say sometime  
9 in the time period of 2016 and on. It may have  
10 been a little sooner than 2016.

11 Q. Okay. So was it the current collective  
12 bargaining agreement that was signed in 2016?

13 A. I believe. I can -- I can get that answer  
14 for you. I have to look on the actual document to  
15 see when it was signed.

16 Q. Okay. And what else did you and Maureen  
17 discuss about the investigation?

18 A. That was it.

19 Q. Okay.

20 A. Was a pretty short conversation.

21 Q. And who is Nancy Cleburn?

22 A. Nancy Cleburn is one of the leaders in our  
23 ACT team, and that is the accommodations team that  
24 makes determinations on workplace accommodations,  
25 such as disability, religious and any other type of

Page 28

1 accommodation an employee would seek under the law.

2 Q. Okay. And what were your discussions with  
3 Ms. Cleburn?

4 A. Specifically, did Ms. Carter ever seek an  
5 accommodation for religious purposes with that  
6 team.

7 Q. Okay. Did you have any other discussions  
8 with Ms. Cleburn?

9 A. No.

10 Q. Okay. And one other question about Nancy.  
11 You say she's one of the leaders of the ACT team.  
12 Does she have a title?

13 A. I believe it is manager.

14 Q. Okay. So she would be an ACT team  
15 manager?

16 A. Correct.

17 Q. Okay. Does she -- is she employed to  
18 perform any other roles with the company?

19 A. Not that I know of.

20 Q. Okay. And is the ACT team independent in  
21 the same sense as the employee relations group?

22 A. That is correct. They report up through  
23 human resources and through general counsel.

24 Q. Okay. And both the ACT team and employee  
25 relations report through human relations; is that

Page 32

1 discussions with Nancy and Audrey apart from  
2 whether Ms. Carter ever requested an accommodation?

3 A. No. That was the sole purpose of the  
4 conversation.

5 Q. Okay. And how long did that conversation  
6 last?

7 A. Five to seven minutes.

8 Q. Okay. All right. So I -- I sort of  
9 interrupted my -- my introduction a little bit. So  
10 I should go ahead and say now, if at any point you  
11 want to take a break, just let me know. I -- I may  
12 use the same. And I think that's -- you -- you  
13 said earlier, I think, that you had -- you read the  
14 Complaint; is that right?

15 A. That's correct.

16 Q. Okay. And you are -- you are still  
17 employed by Southwest; that's correct?

18 A. Yes.

19 Q. Okay. And how long have you been employed  
20 by Southwest?

21 A. As of this month, it will be 24 years.

22 Q. Okay. And what is your current title?

23 A. Senior director, inflight operations.

24 Q. All right. And how long have you been in  
25 that position?

Page 33

1           A. Since 2017.

2           Q. Okay. And what position did you hold with  
3 Southwest prior to that?

4           A. Director of inflight operations.

5           Q. Okay. When were you director, were you,  
6 basically, doing the same things that you are now?

7           A. For the most part, but my role expanded  
8 and it became senior director. So, yeah, I had  
9 been working as a director in the inflight base  
10 operations world since 2011.

11          Q. Okay. How did your role expand when you  
12 became senior director?

13          A. I was assigned another team to manage,  
14 which would be our network operations center  
15 managers that are our 24-hour NOC world. I was  
16 also assigned a gentleman who manages our peer  
17 support programs for flight attendants. And then I  
18 was assigned a woman who manages a communications  
19 tool that we used to interact with our flight  
20 attendants known as Link, L-i-n-k. And that was in  
21 addition to operating the inflight bases.

22          Q. And those employees you just mentioned  
23 that were part of your expanded role, they are not,  
24 I guess, employees in the same bargaining unit as  
25 the flight attendants, right?

Page 49

1           Q. Okay. Okay. Yeah. I was confused. All  
2 right. All right. And is there -- who was the --  
3 so Denise Gutierrez was the employee relations  
4 manager involved in this case; is that -- that  
5 correct?

6           A. Representative; I am not sure if she was a  
7 manager or not.

8           Q. Okay.

9           A. I am not sure of her title at the time.

10          Q. Okay. Do you know who she reported to?

11          A. I believe, at the time -- I -- I am not  
12 sure who she reported to, actually.

13          Q. Okay. Do you know if anybody else from  
14 employee relations besides Denise Gutierrez was  
15 involved in Carter's investigation?

16          A. Not to my knowledge.

17          Q. Okay. At -- at what point do the employee  
18 relations representatives typically get involved in  
19 an -- in a disciplinary investigation?

20          A. They become involved at the moment that  
21 there is reason to believe that there could  
22 possibly be a protected class of people or  
23 protected work right had -- may be in question.  
24 They get -- they get involved very early on.

25          Q. Okay. And when you say protected class,

Page 58

1           Q. Okay. Now, have -- have there been any  
2 tentative agreements reached between Southwest and  
3 Local 556 regarding the collective bargaining  
4 agreement?

5           A. No.

6                   MR. CORRELL: And I am going to object  
7 that the current scope of bargaining between the  
8 company and the union is beyond the scope of the  
9 Notice. Mr. Sims, you can answer as you are able  
10 to in your personal capacity.

11                  THE WITNESS: Okay.

12           Q. (By Mr. Gilliam) Has a tentative  
13 agreement -- okay. You said no -- no tentative  
14 agreement has ever been reached?

15           A. That is correct.

16           Q. Okay. All right. But -- okay. Now, who  
17 oversees the inflight services division?

18           A. That is vice president Sonya Lacore,  
19 L-a-c-o-r-e.

20           Q. Okay. And what -- what does that position  
21 do?

22           A. The vice president of inflight is in  
23 charge of overseeing all budgeting matters. She  
24 serves as a senior leader on the senior management  
25 committee at Southwest Airlines. She's also

Page 59

1 responsible ultimately for the day-to-day operation  
2 of inflight and the overall job performance of our  
3 flight attendants.

4 Q. Okay. And who -- who would the VP for  
5 inflight services report to?

6 A. Reports to a senior vice president of air  
7 operations.

8 Q. Okay. And who -- who would that be?

9 A. Currently, Alan Kasher, K-a-s-h-e-r.

10 Q. Okay. And do you know who Sonya Lacore's  
11 predecessor was?

12 A. Yes.

13 Q. And who was that?

14 A. Mike Hafner, H-a-f-n-e-r.

15 Q. Okay. When did Sonya Lacore become the  
16 senior V -- I am sorry -- the VP for inflight  
17 services?

18 A. On or around November of 2015.

19 Q. Okay. And as senior director of inflight  
20 operations, do you report to Sonya Lacore?

21 A. I do.

22 Q. Okay. Is she your direct report? I am  
23 sorry.

24 Do you report directly to her?

25 A. That is correct.

Page 64

1 Q. Okay. And about how many base managers do  
2 you have in the total West Coast area?

3 A. Five.

4 Q. Five. Okay.

5 A. Excuse me. It's six now. We opened Los  
6 Angeles, but it -- during this period, it was five.

7 Q. So there were -- were five West Coast base  
8 managers in 2017?

9 A. Yes.

10 Q. Okay. But six now. All right. And how  
11 -- how many base managers company-wide for all --

12 A. Currently, we have 11.

13 Q. 11. Okay. Okay. And the base manager in  
14 Denver is Ed Schneider, correct?

15 A. That is correct.

16 Q. Okay. And -- and Ed Schneider, he -- he  
17 reported directly to Dave?

18 A. That is correct.

19 Q. Okay. Did he report to you as well or --  
20 or just solely to Dave?

21 A. Solely to Dave.

22 Q. Okay. And what -- what -- what did Dave  
23 Kissman do in his position?

24 A. Dave, his responsibilities were provide  
25 leadership to the bases that reported up to him to

Page 71

1 Q. Sure. There --

2 A. Can you tell me again the -- it's Number  
3 11?

4 Q. Yeah. It's Document 11. We've marked it  
5 as Exhibit 1.

6 A. Okay. So I have it -- I have it pulled up  
7 here. So I am looking at the workplace bullying  
8 and hazing policy. I'm scrolling down. And let me  
9 look at this next one. Okay. I reviewed the  
10 social media policy and now looking at the next  
11 document.

12 Q. Yeah, and -- and we can stop after you  
13 look at the next one, the -- the --

14 A. Okay. And then --

15 Q. And whenever you have finished reviewing  
16 that one, let me know.

17 A. Ready.

18 Q. Okay. And do you recognize those and what  
19 they are?

20 A. I do.

21 Q. Okay. And what are they?

22 A. The first document is from the Southwest  
23 Airlines flight attendant manual. It is the  
24 mission statement and the explanation of the  
25 mission statement. The second document is the

Page 72

1 workplace bullying and hazing policy. Third is the  
2 Southwest Airlines employee social media policy.  
3 And then the fourth is the Southwest Airlines  
4 policy concerning harassment, sexual harassment,  
5 discrimination and retaliation.

6 Q. Okay. And so the -- the workplace  
7 bullying and hazing policy and then the Southwest  
8 Airlines Company policy concerning harassment and  
9 sexual harassment, those are two separate policies;  
10 is that correct?

11 A. Yes.

12 Q. Okay. And do you -- were -- were these  
13 the policies that were in effect when Ms. Carter  
14 was terminated?

15 A. Let me look. Yes, that is correct.

16 Q. Okay. And do you -- was she terminated  
17 for -- which ones were -- was she terminated for  
18 violating?

19 A. Harassment and bullying policy, sexual  
20 harassment and social media.

21 Q. Okay. If we could also mark -- let's see  
22 -- Document 7 as Exhibit 2, please.

23 (Exhibit 2 marked.)

24 Q. (By Mr. Gilliam) And feel free to -- to  
25 look at document --

Page 73

1           A. It will take me a minute to pull it up.

2                         THE VIDEOGRAPHER: Is this the correct  
3 document?

4                         MR. GILLIAM: Yes.

5                 Q. (By Mr. Gilliam) And, Mr. Sims, whenever  
6 you are ready, just let me know.

7                 A. Okay. That is -- I am ready.

8                 Q. Okay. And do you recognize this -- this  
9 document?

10          A. That is the termination notice that was  
11 sent to Ms. Carter.

12          Q. Okay. And, I guess, let's see. Towards  
13 the end, I think, of the -- the third paragraph, it  
14 says, after considering -- considering all  
15 information gathered in my investigation, as well  
16 as the information presented in your fact-finding  
17 meeting, I have determined that your conduct is in  
18 direct violation of the Southwest Airlines mission  
19 statement. And it says, the following company  
20 policies; and it mentions only -- by bullet point  
21 there -- workplace bullying and hazing policy and  
22 social media policy; is that correct?

23                         MR. CORRELL: Objection. That  
24 misstates the exhibit, but, Mr. Sims, you can  
25 answer.

Page 74

1 A. That's what the bullet points say.

2 Q. (By Mr. Gilliam) Okay. And then it says  
3 after that, your conduct could also be a violation  
4 of Southwest's policy concerning harassment, sexual  
5 harassment, discrimination and retaliation.

6 So in saying that your conduct could  
7 also be a violation, was it determined that -- that  
8 Ms. Carter violated that policy?

9 A. That was inconclusive.

10 Q. Okay. So Ms. Carter -- I mean, is it --  
11 is it correct to say Ms. Carter was -- was fired  
12 for violating the workplace bullying and hazing  
13 policy and the social media policy?

14 A. Yes.

15 Q. Okay. I would like to return to Exhibit 1  
16 now, the document marked as Exhibit 1. And turning  
17 to the -- the second page with the -- the workplace  
18 bullying and hazing policy. Was her conduct  
19 considered bullying or hazing?

20 A. Bullying.

21 Q. Bullying. Okay. Was her conduct  
22 considered hazing?

23 A. Potentially, it could have been, based on  
24 this -- definition.

25 Q. Okay. But she was -- is it correct to say

Page 75

1       that she was fired for bullying?

2           A. That's correct.

3           Q. Okay. And then it -- it says that hazing  
4       and bullying behavior should be reported by the  
5       employee to his or her supervisor, HR business  
6       partner or any senior leader, something of that  
7       sort. I was just going to ask: Who was a senior  
8       leader?

9           A. Senior leader can be pretty loosely  
10      defined at Southwest. But, generally, department  
11      senior leaders are considered director level and  
12      above; yet, we have senior managers, by title, are  
13      senior leaders. So there is not really a -- a  
14      clear definition versus how we utilize the term. A  
15      senior leader could be anyone that is higher in the  
16      organization.

17          Q. Okay. And once hazing and bullying  
18      behavior is reported to one of those individuals,  
19      what do they do next?

20          A. They notify employee relations.

21          Q. Okay. And then does employee relations  
22      head up the investigation? Or what does employee  
23      relations do with it?

24          A. In -- in bullying allegations, employee  
25      relations may or may not be involved. There are

Page 100

1       representatives may have reported other employees  
2       for social media violations before?

3           A. No, I don't remember.

4           Q. Okay. Okay. In the 122 cases that you  
5       mentioned, the disciplinary cases -- well, you --  
6       you don't -- you said you do not remember how --  
7       whether any of those employee or how many were  
8       fired?

9           A. I don't know how many were terminated.

10          Q. Okay.

11          A. And in those cases --

12                   MR. CORRELL: We're going to get that  
13       information for you over lunch, so he'll be able to  
14       answer that question.

15                   MR. GILLIAM: Okay.

16                   MR. CORRELL: We have it; I just need  
17       to refresh his recollection.

18                   MR. GILLIAM: Okay. Let's see. I may  
19       hold off on a couple of other questions, then.

20                   THE VIDEOGRAPHER: I have roughly 10  
21       minutes before I have to do a media change, just to  
22       let you know.

23                   MR. GILLIAM: Okay.

24          Q. (By Mr. Gilliam) Now, is -- is it the ACT  
25       team that is responsible for handling religious

Page 101

1 accommodation requests?

2 A. That is correct.

3 Q. And what -- what does the -- what does ACT  
4 stand for?

5 A. Accommodations and Career Transitions.

6 Q. Okay. Now, would the ACT team be in  
7 charge of any incident where a flight attendant is  
8 accused of treating another flight attendant  
9 unfairly based on their religion?

10 A. No. That would be employee relations.

11 Q. Okay. So any incidents of religious  
12 discrimination would -- would also be handled by  
13 employee relations?

14 A. In -- incidents of discrimination are  
15 handled by employee relations. The ACT team only  
16 grants accommodations.

17 Q. Okay. If an incident of religious  
18 discrimination is reported to the ACT team, do --  
19 do they ever report it to -- I'm -- I'm sorry. Let  
20 me start over.

21 If an incident of religious  
22 discrimination is -- is reported to employee  
23 relations, does employee relations ever communicate  
24 that to the ACT team?

25 A. That, I do not know.

Page 103

1 the ACT team. Or they could contact the ACT team  
2 directly.

3 Q. Okay. And then when the ACT team receives  
4 knowledge of an accommodation request, what do they  
5 do with that information?

6 A. They review it and -- in accordance with  
7 company policy and applicable law, and they make a  
8 determination whether or not some sort of workplace  
9 accommodation will be granted or not.

10 Q. Okay. Do they consult with employee  
11 relations or inflight or another department in  
12 making a determination of an accommodation request?

13 A. Generally, no. Other than they may reach  
14 out to the respective department to learn more  
15 about the job functions itself under the job  
16 description.

17 Q. And is -- is the ACT team comprised of  
18 full-time employees?

19 A. Correct.

20 Q. Okay. And they are doing that job on the  
21 ACT team in a full-time basis?

22 A. Correct.

23 Q. Okay. And about -- do you know about how  
24 many employees are within the ACT team?

25 A. I do not.

Page 125

1 clarify. Is there any other group or person at  
2 Southwest who is monitoring employees', I guess,  
3 social media sites for content?

4 A. Not that I know of.

5 Q. Okay. When did Southwest first learn from  
6 Audrey Stone about Charlene Carter's Facebook  
7 messages and posts?

8 A. I do not have the date.

9 Q. Do -- do you remember how Southwest  
10 learned about it?

11 A. Yes.

12 Q. Okay. And -- and how was that?

13 A. Audrey Stone sent a email to her base  
14 leader in Las Vegas.

15 Q. Do you know if Audrey Stone communicated  
16 with any other Southwest management employees prior  
17 to communicating with her base manager?

18 A. No. I have no knowledge of that.

19 Q. Okay. And do you know who -- who her base  
20 leader in Las Vegas was?

21 A. Suzanne Stephensen, S-t-e-p-h-e-n-s-e-n.

22 Q. Okay. And do you remember what she  
23 reported exactly?

24 A. I am not clear. What Audrey reported or  
25 what Suzanne --

Page 126

1 Q. Yeah. I am sorry. Do you -- do you  
2 recall what Audrey reported to Suzanne?

3           A. Yes. She sent an email to Suzanne stating  
4       that she had received disturbing email --  
5       disturbing private messages on Facebook and also  
6       video footage of aborted fetuses and still pictures  
7       of aborted fetuses.

8           Q. Okay. I would like to mark Document 1 as  
9 Exhibit 3.

10 (Exhibit 3 marked.)

11 Q. (By Mr. Gilliam) And if you could just  
12 review Document 1 briefly and let me know when you  
13 have had the chance to take a look at it.

14 A. Okay. Okay.

15 Q. Do you recognize what this is?

16 A. I do.

17 Q. And what is it?

18           A. This is an email authored by Audrey Stone,  
19        sent to Las Vegas base manager Suzanne Stephensen  
20        with her initial complaint.

21 Q. Okay. And it appears she has CC'd Naomi  
22 Hudson and Sonya Lacore. Who -- who is Naomi  
23 Hudson?

24           A. Naomi Hudson is a former senior director  
25       in labor relations. She has retired.

Page 128

1           Q. Did he tell you who had made the  
2 complaint?

3           A. I believe he did.

4           Q. Okay. And, presumably, he told you Audrey  
5 Stone?

6           A. Yes.

7           Q. And did you know would Audrey Stone was?

8           A. Yes.

9           Q. And how -- and you knew that Audrey Stone  
10 was president of Local 556?

11          A. I did.

12          Q. And how did you know she was president of  
13 Local 556?

14          A. As a general course of business, we know  
15 who our union presidents are.

16          Q. Did you ever communicate with the union  
17 president in the regular course of business?

18          A. Yes, I did.

19          Q. Okay. And what -- I guess, what were the  
20 matters you -- you discussed with the union  
21 president?

22          A. Generally, employee grievances.

23          Q. And in the regular course of conducting  
24 business and when you had occasion to talk to the  
25 union president, did you discuss other matters

Page 131

1       the -- the pictures that were attached to this  
2       email, correct?

3           A.   Yes.

4           Q.   Okay. I want to -- let's see. Turn to --  
5       let's see. Is it -- which page it is in your --  
6       maybe the third page, the first picture.

7           A.   Okay. Say it again. The first picture?

8           Q.   Yeah. The first -- the first Facebook  
9       screen grab, I guess; the first screenshot, so --

10          A.   Okay.

11                   MR. CORRELL: Counsel, would that be  
12       Page 4228?

13                   MR. GILLIAM: Yes. It's 4228.

14       Southwest Bates label 4228.

15          A.   Okay.

16          Q.   (By Mr. Gilliam) Now, did -- was this a  
17       post that Ms. Carter sent to Audrey Stone by  
18       Facebook Messenger?

19          A.   I believe it is.

20          Q.   Okay. So when -- when Ms. Carter sent  
21       this to Audrey Stone, nobody else could see this  
22       but Audrey, correct?

23          A.   That, I do not know.

24          Q.   Okay. And turning to the -- going to the  
25       next page, it's Bates labeled Southwest 4230.

Page 132

1           A. Okay.

2           Q. Now, is -- do you know if this was sent to  
3       Audrey Stone by Facebook Messenger?

4           A. I believe it was.

5           Q. Okay. All right. And then going to the  
6       next one, 4232 Bates labeled.

7           A. Okay.

8           Q. And was this one posted on Charlene  
9       Carter's Facebook page?

10          A. I don't believe it was a post on her  
11       specific page, but she's attributed to it.

12          Q. Okay. Do you know where -- where it was  
13       posted?

14          A. No.

15          Q. Okay. But this wasn't sent as a private  
16       message to Ms. Stone, correct?

17          A. To my knowledge, it was not.

18          Q. Okay. Was -- is -- is it your  
19       understanding that this particular post was  
20       publicly available for other people to see?

21          A. It is my understanding, yes.

22          Q. Okay. Besides Audrey Stone, were there  
23       any other complaints to Southwest about the posts  
24       that were publicly viewable that Ms. Carter had  
25       made?

Page 139

1 you know, and I sent the message to him, let's get  
2 employees relations on deck. And that was it.

3 Q. Okay. You also said you knew it was an  
4 employee relations matters from glancing at it?

5 A. Yup.

6 Q. And how did you know that?

7 A. She's talking about pro-life and pro- --  
8 so after looking at that, and then seeing that  
9 there were some allegations there, that I just said  
10 -- I just defaulted and -- and suggested they go on  
11 with employee relations.

12 Q. Okay. And when she was talking about  
13 pro-life, did that suggested that a protected  
14 category was involved?

15 A. No, no.

16 Q. What -- what about pro-life tipped you off  
17 that employee relations should be involved?

18 A. Well, that was just part of it. When I am  
19 talking about the overall context of what I saw, I  
20 believed it was employee relations. I didn't make  
21 any conclusion one way or the other.

22 Q. Okay. And do you know if -- if someone  
23 did contact employee relations?

24 A. I believe that happened.

25 Q. And do you know who contacted employment

Page 144

1       the first time where someone communicated with  
2       employee relations about this matter?

3           A. I believe it is.

4           Q. Okay. And he -- he refers to protected  
5       categories. Is -- is it exclusively employee  
6       relations who gives insight regarding the protected  
7       categories?

8           A. Yes.

9           Q. Okay. And I know we discussed it a little  
10      bit earlier, but what exactly are the protected  
11      categories?

12           A. Protected categories include racial  
13       discrimination, gender discrimination, religious  
14       discrimination, disability discrimination, age  
15       discrimination, race discrimination.

16           Q. Okay. Okay. Now, with this -- this email  
17      address to employee relations DG, do you know if  
18      anybody outside of employee relations has access to  
19      that mailbox?

20           A. That, I do not know.

21           Q. Okay. All right. Next, if I could direct  
22      your attention to 4456. Should be the next page.

23           A. Yeah. Got it. Okay.

24           Q. And do you recognize this email?

25           A. I do.

Page 145

1 Q. And what is it?

2 A. This is an email from Naomi Hudson, who  
3 was then the senior director of labor relations,  
4 who had also received -- she was copied on that  
5 initial email from Audrey Stone, so she is sending  
6 this to Suzanne Stephensen.

7 Q. Okay.

8 A. Just saying, please also forward to Toni  
9 Hamilton.

10 Q. And who is Toni Hamilton?

11 A. Toni Hamilton worked in employee  
12 relations.

13 Q. Do you know -- is this a she Toni or he  
14 Toni?

15 A. She.

16 Q. Okay.

17 A. Former manager.

18 Q. Okay. Former employee relations manager?

19 A. Yes.

20 Q. Okay. And she was an employee relations  
21 manager in 2017?

22 A. Yes.

23 Q. Okay. But is no longer an employee  
24 relation manager?

25 A. As far as I know.

Page 146

1           Q. Okay. And do you know why Naomi Hudson  
2 forwarded -- excuse me.

3                         Do you why Naomi Hudson wanted the  
4 email to be forwarded to Toni Hamilton?

5           A. I don't know why she wanted that.

6           Q. Okay. I -- I guess it's standard  
7 procedure whenever, I guess, one of the -- the  
8 leaders investigating believes there is a protected  
9 category involved, that they would send it to  
10 someone with employee relations --

11          A. That --

12          Q. -- is that correct? Okay.

13                         THE REPORTER: I am sorry. I didn't  
14 hear your answer.

15          A. That would make sense.

16          Q. (By Mr. Gilliam) Okay. And, next, if I  
17 could direct your attention to 4459, next page.

18          A. Okay.

19          Q. And do you recognize this email?

20          A. I do.

21          Q. Okay. What is this email?

22          A. This is an email from Denise Gutierrez  
23 advising Ed Schneider that she will be the employee  
24 relations leader who will be assisting the base.

25          Q. Okay. And Denise Gutierrez was the

Page 147

1 employee relations manager who, in fact, assisted  
2 the base?

3 A. That is correct.

4 Q. Okay. Then turning to the next email,  
5 it's 4465.

6 A. Okay.

7 Q. Do you recognize this?

8 A. This is an email from Dave Kissman to me.

9 Q. Okay. And he asks, she's back?

10 It -- it -- was he referring to Toni  
11 Hamilton?

12 A. I do not know.

13 Q. The email he's forwarding says, please  
14 also forward to Toni -- Toni Hamilton.

15 A. Right.

16 Q. Do you know why Dave Kissman was asking  
17 you that?

18 A. I do not know. Oh --

19 Q. Do you recall?

20 A. I do. Naomi Hudson had been on a leave of  
21 absence. She had surgery on her back and was out  
22 for a couple of months. So Dave sent that to me  
23 referring to Naomi Hudson returning to work.

24 Q. Okay. Do you remember how long Naomi  
25 Hudson had been out on her leave of absence?

Page 157

1 when we're actually in the process with an employee  
2 who is under investigation.

3 Q. Okay. But in -- in this case, Southwest  
4 interviewed Audrey Stone as part of its  
5 investigative process; is that correct?

6 A. Correct.

7 Q. And then it held a meeting subsequently  
8 with Ms. Carter too?

9 A. That is correct.

10 Q. A fact-finding meeting with Ms. Carter?

11 A. That is correct.

12 Q. Okay. Let's see. I would like to have  
13 marked Document Number 5 as Exhibit 5.

14 (Exhibit 5 marked.)

15 Q. (By Mr. Gilliam) And if you want to  
16 review these. And once you have had a chance to --  
17 to review it, let me know.

18 A. Okay.

19 Q. Do you recognize what -- what this is?

20 A. These are the notes from Ed Schneider's  
21 initial interview with Audrey Stone.

22 Q. Okay. And you said initial interview with  
23 Audrey Stone. Do you know if he conducted multiple  
24 interviews with Audrey Stone?

25 A. I believe this is the only one.

Page 160

1           A. There was one instance.

2           Q. And what is the instance you recall?

3           A. Former union president Melissa Smith  
4           alleged that a flight attendant by the name of  
5           Eddie Pirl, P-i-r-l, had said some things or had  
6           written some things that she found disturbing.

7           Q. Okay. Do you remember what he had  
8           written?

9           A. This was prior to what we currently know  
10          as social media. There were internet forums at  
11          that time, and he had written some things about  
12          negotiations. And he -- he felt that -- she felt  
13          that they were threatening towards her.

14          Q. Okay. And do you know if he was fired for  
15          saying those things?

16          A. He was.

17          Q. Okay. All right. And I believe you also  
18          said that a fact-finding was conducted for  
19          Ms. Carter as well?

20          A. That is correct.

21                   MR. GILLIAM: And I could have  
22          Document 9 marked as Exhibit 6.

23                   (Exhibit 6 marked.)

24          Q. (By Mr. Gilliam) If you want to read  
25          that. And once you have had the chance to review

Page 161

1 it, let me know.

2 A. Okay. So I just want to make sure it's  
3 the correct document. These are fact-finding notes  
4 from Charlene's meeting with Ed?

5 Q. Yes.

6 A. Okay.

7 Q. And would you like some time to review  
8 them?

9 A. Yes. Please.

10 Q. Sure.

11 MR. CORRELL: And -- and, Counsel,  
12 this may be a problem on our end. I just want to  
13 make sure we've got the right document. It looks  
14 like the email has two attachments, and I am only  
15 seeing the fact-finding notes. I don't know if  
16 that's because in the production, for some reason,  
17 it's not with it; or it's intentionally not here.  
18 But that's all there is, is the email and one  
19 attachment, it looks like.

20 MR. GILLIAM: Oh, just including the  
21 notes, but not the pictures?

22 MR. CORRELL: Correct.

23 MR. GILLIAM: Yeah. No. That's -- I  
24 -- I was trying to conserve space.

25 MR. CORRELL: That's perfect. I just

Page 162

1 want to make sure that we're -- we're all looking  
2 at the same document and know we're looking at the  
3 same document.

4 MR. GILLIAM: Yeah, yeah.

5 A. Okay.

6 Q. (By Mr. Gilliam) And do you recognize  
7 this?

8 A. I do.

9 Q. And what is it?

10 A. These are fact-finding notes from Ed  
11 Schneider's meeting with Ms. Carter.

12 Q. Okay. Do you know if the -- if the  
13 fact-finding notes went through revisions prior to  
14 there being a final version?

15 A. I don't -- I don't know.

16 Q. Okay. Okay. I wanted to direct your  
17 attention to, I guess, the -- the second and the  
18 third page. It's 4676 and 4677.

19 A. 4676. Okay.

20 Q. And -- and 4677 towards the bottom. Where  
21 Charlene says, I am a Christian, I am a  
22 conservative and I am pro-life.

23 And discussions continue on the second  
24 page. And she -- she says, I work with other  
25 pro-life groups; and for me, as a Christian, if I

Page 164

1           A. -- you are talking about?

2           Q. So -- and, you know, I don't -- I don't  
3 want to, you know, read every line, but where she's  
4 talking about being a Christian, a conservative and  
5 pro-life; and continuing on the next page,  
6 describing working with other pro-life groups and  
7 getting -- getting the word out about abortion in  
8 any way, did -- did labor relations consider  
9 whether that placed Ms. Carter in any protected  
10 category?

11          A. That, I do not know.

12          Q. Okay. Same question: Did inflight  
13 question whether that information put Ms. Carter in  
14 any protected category?

15          A. I do not know.

16          Q. And just to make sure that it -- it's  
17 clear, did employee relations consider whether that  
18 information put her in any protective category?

19          A. That, I do not know.

20          Q. Okay. Did employee relations consider  
21 whether Charlene Carter needed a religious  
22 accommodation?

23          A. I do not know.

24          Q. Okay. Did labor relations consider  
25 whether Charlene Carter needed a religious

Page 165

1 accommodation?

2 A. I do not know.

3 Q. Did inflight consider whether Charlene  
4 Carter needed a religious accommodation?

5 A. I do not know.

6 Q. And did human resources consider whether  
7 Charlene Carter needed a religious accommodation?

8 A. I do not know.

9 Q. Okay. And just to make sure I covered it  
10 too, did human resources consider whether the  
11 information she shared about being a Christian and  
12 pro-life and trying to get the word out in any way,  
13 whether that placed her in any protected category?

14 A. I do not know.

15 Q. Okay. Do you know whether the ACT team  
16 ever in- -- investigated any aspect of Charlene  
17 Carter's matter?

18 A. Not to my knowledge.

19 Q. Okay. As part of the investigation, did  
20 anyone with Southwest have communications about  
21 Charlene Carter's religious beliefs?

22 A. Not to my knowledge.

23 Q. Okay. Okay. Now, what is the standard  
24 practice for, I guess, the -- the -- well, let me  
25 ask the question this way: What is the standard

Page 188

1           A. That time period was tumultuous in terms  
2 of there was a effort to recall the Local 556  
3 officers. In addition, there was a lot of  
4 political activity surrounding the inauguration of  
5 President Trump on January 20th, 2017.

6           And I just came to the conclusion that  
7 we all need to -- or everyone needs to step back  
8 and review Ms. Carter's case as a long-term  
9 employee who had a good track record; who told me  
10 that she regretted, to a certain extent, the  
11 methodology that she chose; and that she wanted her  
12 job back. And so I used my authority to offer her  
13 a last-chance agreement.

14          Q. And quick question: Had Ms. Carter ever  
15 been disciplined in her career with Southwest?

16          A. Not to my knowledge.

17          Q. And -- okay. And when you say that the --  
18 the issue had gone on at great cost to everyone,  
19 what -- what was the cost?

20          A. The cost -- well, we had not gone into  
21 monetary costs yet, but that's where it was going.  
22 But the cost, I thought, was undermining our  
23 culture at Southwest. And it was impeding our  
24 ability to do business.

25          Q. And -- and what -- I guess, what caused

Page 221

1           Q. Okay. But they are -- they are  
2 attachments to one of the emails in 7466 to 7470;  
3 is that correct?

4           A. Okay. Yes.

5           Q. And do you know why these would be  
6 forwarded?

7           A. Simply for a FYI.

8           Q. Okay. All right. I would like to -- to  
9 shift for -- to a few other things here. So  
10 earlier, I think I -- I had asked whether anybody  
11 else had complained about Charlene's (sic) Carter's  
12 -- well, I -- I may have asked some more narrow  
13 questions, so let me ask: Did -- did Southwest  
14 receive any complaints about any of Charlene  
15 Carter's Facebook posts made on her Facebook page?

16          A. Not to my knowledge.

17          Q. Okay. Prior to her termination, had  
18 Carter's Facebook posts harmed Southwest?

19          A. I believe so.

20          Q. How did they harm Southwest?

21          A. She's representing herself as a Southwest  
22 Airlines flight attendant and putting out on her  
23 Facebook images that may not be reflective of how  
24 Southwest Airlines believes, in terms of what we  
25 support, what we don't support. Because Southwest

Page 222

1      Airlines is neutral. And as a result, there was  
2      harm done.

3           Q. Did -- was there any financial harm?

4           A. Not to my knowledge.

5           Q. Did anyone ever ask her to take them down  
6      prior to her termination?

7           A. Not -- not to my knowledge.

8           Q. Okay. All right. Let's see. I would  
9      like to direct your attention to Document 3.

10          A. Okay.

11          Q. And do you recognize this?

12          A. I do.

13          Q. Okay. And what is it?

14          A. This is correspondence sent from the  
15      Oakland base manager Carolene Goulbourne to her  
16      leader senior manager, Dave Kissman, regarding  
17      Brian Talbert.

18          Q. And she says that there was -- well, she  
19      says, however, their intent to repost was  
20      retaliation.

21                  Did she reach -- did she reach that  
22      conclusion?

23          A. I do not know if that's -- there is some  
24      grammar errors here. Their intent to repost was  
25      re- -- oh, it appears that that is her conclusion.

Page 233

1 harassment policy have any impact on  
2 Mr. Schneider's discretion regarding other policy  
3 violations?

4 A. They do not.

5 Q. And, Mr. Sims, you understand, in your  
6 personal capacity, that this case today is about  
7 religious discrimination and alleged discrimination  
8 against union objectors; is that correct?

9 A. I do understand that.

10 Q. Do you have a personal preference between  
11 union objectors and nonobjectors?

12 A. I do not.

13 Q. Do you have a position between pro-life  
14 and pro-choice on the issue of abortion?

15 A. I do.

16 Q. How would you identify your position?

17 A. I am pro-life.

18 Q. Do you have any animus towards other  
19 people who are pro-life?

20 A. I do not.

21 Q. Do you have any animus towards people of  
22 any Christian faith?

23 A. I do not.

24 MR. CORRELL: I pass the witness.

25 MR. GILLIAM: I have got no questions.

Page 236

1 I, MICHAEL SIMS, have read the foregoing  
2 deposition and hereby affix my signature that same  
3 is true and correct, except as noted above.

4

5

6 \_\_\_\_\_  
MICHAEL SIMS

7

8 THE STATE OF \_\_\_\_\_  
9 COUNTY OF \_\_\_\_\_

10

11 Before me, \_\_\_\_\_, on this day  
12 personally appeared MICHAEL SIMS, known to me (or  
proved to me under oath or through \_\_\_\_\_) to  
be the person whose name is subscribed to the  
foregoing instrument and acknowledged to me that  
they executed the same for the purposes and  
consideration therein expressed.

13

14 Given under my hand and seal of office this \_\_\_\_\_  
15 day of \_\_\_\_\_, 2020.

16

17

18 \_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE  
STATE OF \_\_\_\_\_

19

20 MY COMMISSION EXPIRES: \_\_\_\_\_

21

22

23

24

25

Page 237

1 REPORTER'S CERTIFICATION

2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF TEXAS  
4 DALLAS DIVISION

5 CHARLENE CARTER )  
6 VS. ) CIVIL ACTION NO.  
7 SOUTHWEST AIRLINES CO., AND )  
8 TRANSPORT WORKERS UNION OF )  
9 AMERICA, LOCAL 556 )  
-----  
10 CONFIDENTIAL 30(b)(6)  
11 DEPOSITION OF MICHAEL SIMS  
12 NOVEMBER 2, 2020  
-----  
13 I, CHARIS M. HENDRICK, Certified Shorthand  
14 Reporter in and for the State of Texas, do hereby  
15 certify to the following:  
16 That the witness, MICHAEL SIMS, was by me  
17 duly sworn and that the transcript of the oral  
18 deposition is a true record of the testimony given  
19 by the witness.  
20 I further certify that pursuant to Federal  
21 Rules of Civil Procedure, Rule 30(e)(1)(A) and (B)  
22 as well as Rule 30(e)(2), that review of the  
23 transcript and signature of the deponent:  
24 \_\_\_\_\_ was requested by the deponent and/or a  
25 party before completion of the deposition.

Page 238

1                \_\_\_\_ was not requested by the deponent and/or  
2        a party before the completion of the deposition.

3                I further certify that I am neither  
4        attorney nor counsel for, nor related to or  
5        employed by any of the parties to the action in  
6        which this deposition is taken and further that I  
7        am not a relative or employee of any attorney of  
8        record in this cause, nor am I financially or  
9        otherwise interested in the outcome of the action.

10              The amount of time used by each party at  
11        the deposition is as follows:

12              Mr. Gilliam - 6:50 hours/minutes

13              Mr. Correll - 5 minutes

14

15              Subscribed and sworn to on this 12th day  
16        of November, 2020.



17              *Charis M Hendrick*

18              CHARIS M. HENDRICK, CSR # 3469  
19              Certification Expires: 10-31-21  
20              Bradford Court Reporting, LLC  
21              7015 Mumford Street  
22              Dallas, Texas 75252  
23              Telephone 972-931-2799  
24              Facsimile 972-931-1199  
25              Firm Registration No. 38